

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION	)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION	)	
	)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:	)	
“ <i>Track One Cases</i> ”	)	
	)	ORDER REGARDING
	)	NAS BABY MOTIONS
	)	

Currently pending before the Court are three motions filed by counsel representing various plaintiffs in the “NAS Baby” cases. The motion and related documents filed at **docket no. 1950** seek appointment of attorney Scott Bickford as “NAS Baby Liaison Counsel.” The motion filed at **docket no. 1998** seeks appointment of a different attorney, Marc Dann, as “NAS Baby Liaison Counsel” and two other attorneys as “NAS Baby Lead Counsel.” And the motion and related documents filed at **docket no. 1943** ask the Court to set a case management conference to address the NAS Baby cases. In all of these motions, counsel state they have not received sufficient discovery, and/or will not have sufficient time to review existing discovery, before their upcoming deadline for filing a motion for class certification.

Except as follows, the Court **DENIES** all of these motions. The Court will meet with no more than four attorneys representing the NAS Baby cases at 9:30 a.m. on August 7, 2019, to discuss discovery-related issues. All counsel who represent NAS Babies will choose which four attorneys will attend; absent agreement, none will attend.

The Court also makes clear that all counsel of record for the NAS Baby cases are entitled to review all formal discovery requests and responses, all existing discovery, and any documents that have been placed under seal, once counsel has signed any required protective orders and discovery sharing agreements. The PEC shall undertake to provide this access to NAS Baby counsel as soon as possible.

Finally, in light of NAS Baby counsel's suggestions that they need more time for discovery, and the timing of the upcoming Track One trial, the Court directs counsel for the NAS Baby cases and counsel for defendants to meet and confer and propose joint modifications to the briefing schedule for class certification.

**IT IS SO ORDERED.**

*/s/ Dan Aaron Polster* \_\_\_\_\_

**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

**Dated:** July 26, 2019